

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-60163-CIV-SMITH

WELLS FARGO BANK, N.A.,

Plaintiff,

v.

12757 INVESTMENT GROUP

LLC, *et al.*,

Defendants.

ORDER

This cause is before the Court on Defendant Sneed’s Motion for Reconsideration of *Sua Sponte* Remand Order (“Motion for Reconsideration”) and Motion for Leave to File Amended Notice of Removal (“Motion to Amend”) [DE 8]. For the reasons that follow, the Motion to Amend is granted.¹

Defendant Sneed filed its Notice of Removal (“Notice”) [DE 1], based on the Court’s diversity jurisdiction. On May 9, 2024, the Court issued an Order [DE 4], requiring Defendant Sneed to file an amended notice of removal that establishes the citizenship of the parties. The May 9, 2024 Order further stated that, “[f]ailure to do so will result in remand of this action without further notice.” Upon Defendant Sneed’s failure to comply with the May 9, 2024 Order, the Court issued an Order [DE 5] remanding the case to the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida (“Remand Order”).

Defendant Sneed now seeks reconsideration of the Court’s Remand Order and requests leave to file an amended notice of removal. District courts should allow a party who failed to

¹ Because the Court grants the Motion to Amend, the Court declines to address the remaining arguments.

allege the citizenship in the notice of removal to cure the omission. *See Corp. Mgmt. Advisors, Inc. v. Artjen Complexus, Inc.*, 561 F.3d 1294, 1298 (11th Cir. 2009). The Eleventh Circuit has held that the failure to establish citizenship at the time of removal is a procedural rather than jurisdictional defect. *Id.* at 1294. Here, the Notice failed to properly allege the citizenship of Plaintiff Wells Fargo Bank N.A. and was devoid of any facts whatsoever as to the citizenship of any of the Defendants. Notwithstanding, the Court is required to grant leave to amend to cure procedural defects. *See Corp. Mgmt. Advisors, Inc.*, 561 F.3d at 1298.

Accordingly, it is

ORDERED that:

1. Defendant Sneed's Motion to Amend [DE 8] is **GRANTED**.
2. Defendant shall file an Amended Notice of Removal that complies with the Court's May 9, 2024 Order [DE 4] on or before **January 3, 2024**.
3. **Failure to do so will result in the remand of this action without further notice.**
4. The Clerk is directed to **REOPEN** the case.

DONE AND ORDERED in Fort Lauderdale, this 3rd day of December, 2024.

A handwritten signature in black ink, appearing to read 'Rodney Smith', is written over a horizontal line.

RODNEY SMITH
UNITED STATES DISTRICT JUDGE

cc: counsel of record